

ENTERED

June 13, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

KIRK JOHN NORTHUP,

Petitioner,

VS.

LORIE DAVIS,

Respondent.

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CIVIL NO. 2:17-CV-00268

ORDER

Before the Court is the April 4, 2019, Memorandum and Recommendation (“M&R”) of the Magistrate Judge to whom this case was referred, Dkt. No. 15, and Petitioner’s April 20, 2018, objection to the M&R, Dkt. No. 18.

The Court reviews objected-to portions of the Magistrate Judge’s proposed findings and recommendations de novo. 28 U.S.C. § 636(b)(1). Plaintiff’s objection is frivolous, conclusory, general, or contains no arguments that the M&R has not already considered. *See* Dkt. Nos. 15, 18; *Battle v. United States Parole Comm’n*, 834 F.2d 419 (5th Cir. 1987) (determining that a district court need not consider frivolous, conclusive, or general objections). After independently reviewing the record and considering the applicable law, the Court **ADOPTS** the M&R in its entirety, Dkt. No. 15, and **OVERRULES** Plaintiff’s objection, Dkt. No. 18.

The Court hereby:

- **GRANTS** Respondent’s motion for summary judgment, Dkt. No. 13;
- **DISMISSES** this action; and
- **DENIES** Petitioner a Certificate of Appealability.

The Court will direct entry of final judgment separately.

SIGNED this 13th day of June, 2018.



Hilda Tagle
Senior United States District Judge